

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

HOWARD J. HALL,

Plaintiff,

v.

OPENTV, INC., JAMES ACKERMAN
and PETER BOYLAN, III,

Defendants.

C.A. No. 04-10413-PBS

JOINT STATEMENT

The plaintiff, Howard J. Hall (“Hall”), and the defendants, OpenTV, Inc. (“OpenTV”), James Ackerman (“Ackerman”) and Peter Boylan, III (“Boylan”), submit the following Joint Statement.

I. Proposed Discovery Plan

1. The parties shall each make automatic disclosures under Fed. R. Civ. P. 26(a) by April 21, 2004.
2. Initial document requests and interrogatories must be served by May 30, 2004.
3. All document requests, interrogatories and requests for admissions must be served by September 22, 2004.
4. All depositions other than expert depositions must be concluded by September 15, 2004.
5. Case-in-chief experts must be disclosed pursuant to Fed. R. Civ. P. 26 by September 29, 2004.
6. Rebuttal experts must be disclosed pursuant to Fed. R. Civ. P. 26 by October 27, 2004.
7. Expert witness depositions pursuant to Fed. R. Civ. P. 26 must be taken by November 15, 2004.
8. Parties may file motions to compel and seek other orders of the Court as the need arises, subject to the obligation of counsel to confer under Local Rule 7.1(A)(2).

9. Dispositive motions must be filed by December 15, 2004.
10. Dates for a final pretrial conference and for trial shall be determined by the Court after the completion of discovery and pending determination of any dispositive motions filed by the parties.
11. The parties otherwise recommend no change to the requirements prescribed by Fed. R. Civ. P. 26.

II. Trial by Magistrate Judge. The parties do not agree at this time to submit this matter to a magistrate judge for trial.

III. Settlement. The parties have engaged in settlement discussions, which have been unsuccessful.

IV. Certifications Pursuant to Local Rule 16.1(D)(3). The certifications are attached.

HOWARD J. HALL

OPENTV, INC.,
JAMES ACKERMAN and
PETER BOYLAN, III,

By his attorneys,

By their attorneys,

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Dated: April 8th, 2004